

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the application Vos Transportation, LLC, to transfer control of its passenger stage authority PSC-14111 to J & I Transportation, LLC, under § 851, et seq., of the California Public Utilities Code; to expand the service area to include points in the immediate vicinity under Commission jurisdiction, described in the body of the Application, in accordance with § 1036 et seq., of the PU Code; and to establish a Zone of Rate Freedom (ZORF) under the provisions of § 454.2 of the PU Code.

Application 03-04-016  
(Filed April 14, 2003)

**O P I N I O N****Summary**

This decision grants the application to transfer, pursuant to Pub. Util. Code § 851 et seq., a passenger stage corporation (PSC) certificate from Vos Transportation, LLC (Transferor), a limited liability company, to J & I Transportation, LLC (Transferee), a limited liability company.

**Discussion**

Transferor is authorized by Decision (D.) 01-10-048 to operate as a passenger stage corporation (PSC-14111) to transport persons and their baggage on an on-call basis between Los Angeles and Orange Counties, on the one hand, and Los Angeles International (LAX), Long Beach (LGB), Burbank (BUR), Ontario International (ONT), and John Wayne (SNA) Airports, Los Angeles and

Long Beach Harbors (HBRS), Los Angeles AMTRAK Station, and certain points in Downtown Los Angeles, on the other hand.

This application requests approval to transfer the PSC certificate to Transferee. Transferor's founding members are retiring from the transportation business and have agreed to sell to Transferee the certificate, two vans, and certain other assets and goodwill for \$13,000. Some of Transferor's members will continue to be involved in operation of the business as managing members of Transferee. Transferee states it has the equipment, personnel and other resources to carry on the passenger transportation business currently conducted by Transferor. Exhibit G of the application is Transferee's unaudited balance sheet dated April 5, 2003, that discloses assets of \$1,051,100, liabilities of \$226,000 and net worth of \$825,100.

Transferee requests to extend the certificate to be transferred to include service between points in Riverside and San Bernardino Counties, on the one hand, and LAX, LGB, BUR, ONT, SNA, HBRS, on the other hand; and between San Diego, on the one hand, and LAX, ONT, SNA, and HBRS, on the other hand. Transferee states that completed and prospective airport expansions and expected increases in air travel require that more shared-ride services be available to the public. The proposed fares for the extended service area, as listed in Exhibit E of the application, range between \$15 (Ontario - ONT) and \$230 (Coachella - BUR).

Transferee also requests authority to establish a ZORF of \$40 above and below any of the current fares of Transferor and any of the proposed new fares shown in Exhibit E. The minimum fare will be \$5. Applicant will compete with other PSCs, taxicabs, limousines, buses, and automobiles in its service area. This highly competitive environment should result in Applicant pricing its services at

a reasonable level. Many other PSCs have been granted ZORFs. The requested ZORF is generally consistent with the ZORFs held by other PSCs.

Notice of filing of the application appeared in the Commission's Daily Calendar on April 17, 2003. Notice of this application was served on the affected regional transit districts, airports, counties and cities within whose boundaries the passengers will be loaded or unloaded.

In Resolution ALJ 176-3111 dated April 17, 2003, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3111.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

### **Assignment of Proceeding**

Richard Clark is the assigned Examiner in this proceeding.

### **Findings of Fact**

1. Transferor is operating as a PSC pursuant to D.01-10-048. Transferor requests approval to transfer its authority to Transferee.
2. The proposed transfer will not be adverse to the public interest.
3. Transferee requests to extend the PSC authority to be transferred to include points in Riverside and San Bernardino Counties, on the one hand, and LAX, LGB, BUR, ONT, SNA, HBRS, on the other hand; and San Diego, on the one hand, and LAX, ONT, SNA, and HBRS, on the other hand.
4. Public convenience and necessity requires the proposed new service.

5. Applicant requests authority to establish a ZORF of \$40 above and below any of Transferor's current fares and any of the proposed new fares shown in Exhibit E of the application. The minimum fare will be \$5.

6. Transferee will compete with PSCs, taxicabs, limousines, buses, and automobiles in its operations. The ZORF is fair and reasonable.

7. No protest to the application has been filed.

8. A public hearing is not necessary.

9. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

### **Conclusions of Law**

1. The proposed transfer is in the public interest and should be authorized.

2. Public convenience and necessity has been demonstrated and the request to extend the authority to be transferred should be granted.

3. The request for a ZORF should be granted.

4. Before Applicant changes any fares under the ZORF authorized below, Applicant should give this Commission at least ten days' notice. The tariff should show between each pair of service points the high and low ends of the ZORF and the then currently effective fare.

5. Since the matter is uncontested, the decision should be effective on the date it is signed.

6. Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

**O R D E R****IT IS ORDERED** that:

1. Within 120 days from the effective date of this decision, Vos Transportation, LLC (Transferor), a limited liability company, may transfer its certificate of public convenience and necessity (CPCN) to operate as a passenger stage corporation (PSC) specified in this application to J & I Transportation, LLC (Transferee), a limited liability company, and Transferee is authorized to extend the CPCN to operate as a PSC, subject to the conditions contained in the following paragraphs.

2. Transferee shall:

- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Within 120 days after this order is effective, adopt Transferor's tariffs and file new tariffs and timetables for the extended service, state in them when the service will start, make them effective 10 or more days after this order is effective, and allow at least 10 days' notice to the Commission.
- c. Comply with General Orders Series 101 and 158, and the California Highway Patrol (CHP) safety rules.
- d. Comply with the controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
- e. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so.
- f. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
- g. Enroll all drivers in the pull notice system as required by Section 1808.1 of the Vehicle Code.

3. Transferee is authorized under Pub. Util. Code § 454.2 to establish a zone of rate freedom (ZORF) of \$40 above and below any of the current fares of Transferor and any of the proposed new fares shown in Exhibit E of the application. The minimum fare will be \$5.

4. Transferee shall file a ZORF tariff in accordance with the application on not less than ten days' notice to the Commission and to the public. The ZORF shall expire unless exercised within 120 days after the effective date of this order.

5. Transferee may make changes within the ZORF by filing amended tariffs on not less than ten days' notice to the Commission and to the public. The tariff shall include the authorized maximum and minimum fares and the fare to be charged between each pair of service points.

6. In addition to posting and filing tariffs, Transferee shall post notices explaining fare changes in its terminals and passenger-carrying vehicles. Such notices shall be posted at least ten days before the effective date of the fare changes and shall remain posted for at least 30 days.

7. Transferee is authorized to begin operations on the date that the Consumer Protection and Safety Division mails a notice to Transferee that its evidence of insurance and other documents required by Ordering Paragraph 2 have been filed with the Commission and that the CHP has approved the use of Transferee's vehicles for service.

8. The CPCN granted to Transferor by Decision 01-10-048 is revoked on the date Transferee is notified that it may commence operations as provided in Ordering Paragraph 7.

9. Before beginning service to any airport, Transferee shall notify the airport's governing body. Transferee shall not operate into or on airport property without authority from the airport's governing body.

10. The CPCN to operate as PSC-16363, granted herein, shall expire unless exercised within 120 days after the effective date of this order.

11. The Application is granted as set forth above.

12. This proceeding is closed.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC-16363

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Showing passenger stage operative rights, restrictions,  
limitations, exceptions, and privileges

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All changes and amendments as authorized by  
the Public Utilities Commission of the State of California  
will be made as revised pages or added original pages.

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Supersedes the authority heretofore granted to  
Vos Transportation, LLC, a limited liability company, by D.01-10-048.

Issued under authority of Decision \_\_\_\_\_,  
dated \_\_\_\_\_, of the Public Utilities Commission  
of the State of California in Application 03-04-016.



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SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS,  
LIMITATIONS, AND SPECIFICATIONS.

This certificate supersedes all passenger stage operative authority granted to Vos Transportation, LLC, a limited liability company.

J & I Transportation, LLC, a limited liability company, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, is authorized to transport passengers and their baggage on an "on-call" basis, between points and places as described in Section II, over and along the routes described in Section III, subject however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- a. When a route description is given in one direction, it applies to operation in either direction unless otherwise indicated.
- b. The term "on-call", as used, refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs shall show the conditions under which each authorized on-call service will be provided, and shall include the description of the boundary of each fare zone, except when a single fare is charged to all points within a single incorporated city.
- c. No passengers shall be transported except those having a point of origin or destination as described in Sections IIB, IIC, IID or IIE.
- d. This certificate does not authorize the holder to conduct any operation on the property of any airport unless such operation is authorized by the airport authority involved.
- e. No person shall be transported between any points or places within an incorporated city.

SECTION II. SERVICE AREA.

- A. Points and places in the Counties of Los Angeles, Orange, Riverside, San Bernardino and San Diego.
- B. Airports.  
Los Angeles International (LAX), Long Beach (LGB), Burbank (BUR), Ontario International (ONT) and John Wayne (SNA) Airports.
- C. Los Angeles West - All points within the geographical limits of U.S. Postal Zip Code 90045.
- D. Los Angeles and Long Beach Harbors.
- E. Los Angeles AMTRAK Station.
- F. Downtown Los Angeles is described as the points and places within the geographical limits of the following U.S. Postal Zip Codes: 90007, 90012, 90013, 90014, 90015, 90071, and 90089.

SECTION III. ROUTE DESCRIPTION.

**Route 1 – Airports/Los Angeles/Orange Counties**

Commencing from any point in the Counties of Los Angeles and Orange, then over the most convenient streets, expressways, and highways to any point or place described in Sections IIB, IIC, IID, and IIF.

**Route 2 – LA/ AMTRAK**

Commencing from any point in Los Angeles County, then over the most convenient streets, expressways, and highways to AMTRAK Station described in Section IIE.

**Route 3 – Airports/Riverside/San Bernardino Counties**

Commencing from any point in the Counties of Riverside and San Bernardino, then over the most convenient streets, expressways, and highways to any point or place described in Sections IIB, IIC, and IID.

**Route 4 – Airports/San Diego County**

Commencing from any point in San Diego County, then over the most convenient streets, expressways, and highways to LAX, ONT, SNA, as described in Section IIB, and to any point described in Section IID.